

Thursday. It is a very important bill. It ought to be completed. We are working on a number of issues including the spectrum issue which I feel strongly about. If you noted—in fact, I will place it in the RECORD—today the spectrum sale which was estimated by the CBO to bring between \$20 million and \$100 million brought \$682 million.

So as we look at ways to reduce the deficit, let us not start a big giveaway program to some of the broadcasters in America who can afford to pay for it. I know they are not very happy. I know they are not very happy with me. But all I ask them is when they make their statements and their criticisms, they use the facts.

I see a lot of things on the networks about things that happen in Congress and how we waste money and all the things that Members of Congress do, but I have not seen a single story except for CNN on the spectrum on any of the major networks, on how much it means to them, how many billions of dollars it means to them—free. So I would just hope in their objective reporting as they cover us in the Congress and as they cover other events across America they might at least devote maybe one or two minutes to what the spectrum is all about so the American people understand it is not what they say it is about; it is about real money.

The late Senator Dirksen used to say, “\$1 billion here and \$1 billion there soon adds up to real money.” This is real money, and at the time we are reducing welfare programs and other programs that affect poor people, I hope that those who could afford to pay would be happy to do so—or I would say at least would do so. And we hope we can work that out.

THE NEW DRUG CZAR

Mr. DOLE. Mr. President, in his State of the Union Address, President Clinton announced his intention to re-enlist his administration in the war against drugs.

Those are welcome words to all of us who have looked to the White House for leadership in that war these past 3 years, only to be disappointed time and time again.

From the gutting of the Drug Czar's Office to the appointment of a Surgeon General who spoke out in favor of legalizing drugs, the message from this administration has been one in stark contrast to the “just say no” message that was so successful in reducing drug use in the 1980's.

The President's words of Tuesday evening, however, give hope that he has recognized that the very disturbing increase in drug use among America's youth these past 3 years is proof that his policies have not worked.

And I look forward to hearing from General McCaffrey, the new Drug Czar, and hope that he will work closely with the Congressional Task Force on National Drug Policy, which Speaker

GINGRICH and I appointed, and which is chaired by Senators GRASSLEY and HATCH, and Congressmen ZELIFF and HYDE.

If we are to truly win the war on drugs, however, then President Clinton should appoint Federal judges who punish law breakers, and not law enforcement officers.

And if a case that occurred in New York City this week is a sign of the type of judges that the President has appointed, then we might as well wave the white flag.

Let me briefly describe this case: While stationed in an unmarked patrol car, a New York City police officer watched four men walk single file up to a trunk of a car parked in a known hub of drug activity, and place large duffel bags inside the trunk.

The men then noticed the police officer and ran off in different directions.

Upon searching the trunk of the car, the officers discovered that the duffel bags contained 75 pounds of cocaine, and 4 pounds of heroin—a discovery that had a street value of \$4 million. The driver of the car gave the police a full videotaped confession, detailing her 4-year history in a drug-dealing ring.

On Wednesday, however, Federal District Court Judge Harold Baer, Jr., ruled that the drugs and the videotaped confession could not be used as evidence.

The reasoning? The judge said that running away from the police was not suspicious behavior, because—and I quote: “The residents of the neighborhood tended to regard police officers as corrupt, abusive, and violent.” Unless this ruling is overturned, a confessed drug dealer will go free.

Let us hope that this is the only appointee of President Clinton who apparently believes that police officers are a bigger threat to the well-being of our communities than those who peddle drugs to our kids.

Mr. President, I ask unanimous consent that an editorial from today's Wall Street Journal discussing this very disturbing case be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 26, 1996]

THE DRUG JUDGE

Winning the war on drugs won't be easy if the battles end up in courtrooms like that of Harold Baer Jr. of the Federal District Court in Manhattan. Judge Baer ruled Wednesday that 80 pounds of cocaine and heroin that police found in a car in the drug-racked neighborhood of Washington Heights could not be used as evidence. The drugs, which have a street value of \$4 million, are “tainted evidence,” he said.

He ruled that the police had no good reason for searching the car, despite the fact that the four men putting duffel bags into the trunk took off running when they saw the cops. This, the judge ruled, was not suspicious behavior. Reason: the “residents of this neighborhood tended to regard police officers as corrupt, abusive and violent.” As a matter of fact: “Had the men not run when

the cops began to stare at them, it would have been unusual.”

The woman who was driving the car gave the police a videotaped confession. Carol Bayless, a 41-year-old Detroit woman, told police that she expected to be paid \$20,000 for driving the drugs back home, and said that she had made a total of about 20 trips to New York to buy drugs. Judge Baer threw out the videotaped confession. Unless the ruling is overturned by the appeals court, the prosecutors say they no longer have a case; Ms. Bayless, who faced 10 years to life in jail, will be free to go.

The year's young, but we doubt Judge Baer will have any competition for this year's Judge Sarokin Award, named in honor of the federal judge in New Jersey who ruled for a homeless man who used to lurk inside the Morristown library, spreading his “ambrosia.” Liberalism manages to deliver us these rulings on a regular basis, so it's appropriate to raise a few concerns.

The first has to do with community standards. Aren't the mostly minority residents of Amsterdam Avenue and 176th Street, where the incident took place, entitled to the same level of protection as the mostly white residents 100 blocks south on Amsterdam in the heart of New York's Yuppiedom? We suspect the law-abiding residents of Washington Heights might take a different view about whether the bigger threat to their well-being is the police or fleeing drug runners.

The other issue raised by the Baer ruling is the politics of judicial appointments. Judge Baer is a Clinton appointee, named to the federal bench in 1994 on the advice of the Democratic Senator from New York, Patrick Moynihan. Now, certainly it is the case that Democrats have appointed first-rate jurists to the federal bench. But it's also the case that it is at the liberal end of the modern judiciary that communities find their interests trampled by overly expansive and even absurd legal claims for defendants.

If Mr. Clinton is re-elected, by the end of his second term he will have filled roughly half of the slots in the federal judiciary, including majorities on the federal appeals courts. And that he would get one, two or even three more appointments to the Supreme Court. Mr. Clinton no doubt would separate himself from decisions like Judge Baer's, but one then has to somehow believe that he would actually separate himself from the constituencies insisting that he pick from the same candidate pool that produces such judges.

As for the war on drugs, we commend Judge Baer's ruling to the attention of drug czar-designate, General Barry McCaffrey. In his State of the Union address Tuesday, Mr. Clinton told Americans that “every one of us have a role to play on this team.” But the best anti-drug legislation and the best law enforcement won't work unless the judiciary is willing to enforce the laws.

COMPLIMENTING SENATOR THURMOND

Mr. DOLE. Mr. President, I certainly want to compliment the distinguished Senator from South Carolina, Senator THURMOND, for his dogged determination. The bill went to the White House once. It was vetoed. It came back. As everybody knows Senator THURMOND, he did not give up, and tonight the bill passed with a wide margin, primarily because of Senator THURMOND's persistence and insistence and his willingness to make some changes that satisfied Members on the other side and the President.